

REMARKS

I. Status of the Claims

Claims 1, 2, 4, 9, 10, 12, 59, 61 and 63-66 are pending in the application. Claims 1, 9 and 59 are independent claims, and have been amended to more clearly define the subject matter of the invention. No new matter has been added, support for the language relating to the offset printing rolls being found at least at page 21, lines 20-28 of the original application.

II. Rejections Under 35 U.S.C. § 103(a)

All of the pending claims are rejected under 35 U.S.C. § 103 over the art of record (Redford, Ream, Yamamoto, Krubert, Van Os, Karlyn (I and II) and Averill) for the reasons set forth in the record.

III. Amendments to the Claims

All of the claims are directed to printing plural registered images on a non planar surface of a sugar shell confectionery piece. Registration of the images is maintained by applying a pressure differential at, and between, the print stations. Claim 9 sets out that the second image is placed no more than 1/64 inch from a design placement which adds greater precision to the claimed “registration.”

The independent claims have been amended to recite that the printing is done by contacting the non planar surface with an inked offset roller. This establishes that the piece is contacted by print rolls at each print station, a combination clearly not taught or suggested in the prior art.

IV. Argument

It would not have been obvious to combine the teaching of Ream and Redford, and if the combination were made it would not have resulted in the claimed invention. On the

one hand, Ream teaches printing registered images on large sheets of chewing gum, which do not pose any particular challenge with respect to maintaining a registered position. Redford, on the other hand, recognizes the difficulties involved in offset printing small edible tablets, and teaches a technique and apparatus for avoiding contact of the tablets during printing. These references together do not suggest that it was known or obvious to print a multicolor image using inked offset rolls on a sugar shell confectionery piece, and indeed, no such confectionery existed in the prior art prior to the invention thereof by the present inventors.

The other references, although relevant for the reasons set forth in the previous Office Actions, fail to overcome the deficiencies noted in the combination of Ream and Redford. Specifically these references fail to provide the motivation to provide two composite offset printed images on a non-planar curved surface of a sugar shell confectionery piece.

The claims have been amended to recite that the first and second print stations are offset printing stations, such that an inked roller contacts the piece at each station. Redford explicitly teaches away from the use of offset printing to form complex, sharp images (see page 4, lines 26-30), and teaches a method to avoid contacting the substrate. Redford prints a background (rectangle 12; see page 7, lines 1-2, and Fig. 3) and then etches the alphanumeric characters into the background with a laser. Although the Office Action suggests that “the article [in Redford] must be vacuum fixed for registration for the second operation,” there is no indication that, if etch station 41 were replaced with a second print station, the tablet would be prevented from moving during that step. In summary, Redford teaches away from using printing means to form sharp, complex images, and the motivation to hold a sugar shell confectionery with a non-planar printing surface in registration at, and between, two printing steps is not found in Redford.

Ream is the only reference cited in which two component images are printed on an edible substrate. It is relevant that, in Ream, the edible substrates are large and flat, such that keeping the pieces in registration (such as by preventing yawing and skewing of the piece), is not an issue.

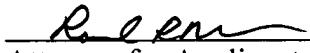
In summary, although Ream teaches printing composite images on flat edible substrates, and Redford teaches holding pieces in a vacuum pocket between a printing step and an etching step, the references together do not together teach printing composite images on non planar sugar shell confectionery pieces using two offset printing steps. To the contrary, Redford specifically teaches away from the use of offset printing to print detailed images on a small non-planar piece.

CONCLUSION

In light of the foregoing amendment and arguments, applicants submit that the claims are in condition for allowance and respectfully request that the application be issued.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should be directed to our address given below.

Respectfully submitted,



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